

Appl. No. 10/806,972  
Reply to Office Action of October 3, 2005

### Remarks

#### Introduction

Claims 1-22 were pending. By way of this response, claims 1, 17, 20, and 21 have been amended, and claims 8 and 9 have been cancelled without prejudice. Independent claims 1, 17, 20, and 21 have been amended to recite the subject matter of claims 8 and 9. Support for the amendments to the claims can be found in the application as originally filed, such as in claims 8 and 9. Care has been taken to avoid adding new matter. Accordingly, claims 1-7 and 10-22 remain pending.

#### Obviousness-type Double Patenting

Claims 1-7 and 10-22 have been rejected under the doctrine of obviousness-type double patenting over U.S. Patent No. 6,921,538.

Independent claims 1, 17, 20, and 21 have been amended to include the subject matter of claims 8 and 9, which were not rejected under the doctrine of obviousness-type double patenting. Therefore, applicant submits that the present claims are not subject to obviousness-type double patenting over U.S. Patent No. 6,921,538.

In view of the above, applicant submits that the obviousness-type double patenting rejections have been overcome.

#### Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-22 have been rejected under 35 U.S.C. § 112, first paragraph as not being properly described. The Office Action states that claim 8, if rewritten in independent form, could overcome this rejection.

As indicated herein, the present independent claims have been amended to include the subject matter of claims 8 and 9. Therefore, and in view of the remarks in the Office Action,

Appl. No. 10/806,972  
Reply to Office Action of October 3, 2005

applicant submits that the present claims comply with the written description requirement.

In view of the above, applicant submits that the claims satisfy the requirements of 35 U.S.C. § 112, first paragraph, and respectfully requests that the rejection of the present claims based on this statutory provision be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-7 and 10-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Aoki et al. (U.S. Pat. No. 6,113,915).

As indicated herein, independent claims 1, 17, 20, and 21 have been amended to include the subject matter of claims 8 and 9, which were not rejected as being anticipated by Aoki et al. Since previous claims 8 and 9 were not anticipated by Aoki et al., applicant submits that present claims, which include the subject matter of previous claims 8 and 9, are not anticipated by Aoki et al.

In view of the above, applicant submits that the present claims, that is claims 1-7 and 10-22, are not anticipated by Aoki et al. under 35 U.S.C. § 102, and that the present claims are unobvious from and patentable over the prior art, including Aoki et al., under 35 U.S.C. § 103.

In addition, each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art disclose, teach, or even suggest the present methods including the additional feature or features recited in any of the present dependent claims. Therefore, applicant submits that each of the present claims is separately patentable over the prior art.

Appl. No. 10/806,972

Reply to Office Action of October 3, 2005.

Conclusion

In conclusion, applicant has shown that the present claims are not subject to obviousness-type double patenting, that the claims satisfy the requirements of 35 U.S.C. § 112, and are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. §§ 102 and 103. Therefore, applicant submits that the present claims, that is claims 1-7 and 10-22 are allowable. Therefore, applicant respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Date: 2/3/06

Respectfully submitted,



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